

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Fredrik Alfried FORTIER	)	Group Art Unit: 3663
	)	
Serial No.: 10/568,460	)	Examiner: Johannes P. MONDT
	)	
Filed: October 3, 2006	)	Confirmation No.: 1007
	)	
For: SUPPORT ARRANGEMENT	)	

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

In response to the restriction requirement mailed on September 23, 2008  
("Restriction"), Applicant elects with traverse Group I, Species A, on which the  
Restriction alleges claims 30-34 read. Page 6.

The Restriction is traversed for at least the following reason. The MPEP states  
"[w]here two or more species are claimed, a requirement for restriction to a single  
species may be proper if the species are mutually exclusive" (emphases added). MPEP  
§ 806.04(f). It is submitted that the Restriction is improper at least because claims  
30-54 are drawn to a single species. Rather than reciting mutually exclusive species of  
the invention, dependent claims 31-53 simply further define elements recited by  
independent claim 30.

For example, as noted in the Restriction at pages 4-6, dependent claims 31-34  
include recitations further defining the contact surfaces recited by independent claim 30.

Dependent claims 35-38 include recitations further defining the vertical support recited by independent claim 30. Dependent claim 39 includes recitations further defining the upper lateral supports recited by independent claim 30. Dependent claims 40 and 41 include recitations further defining the roller recited by independent claim 30.

Dependent claims 42-45 include recitations further defining the inner or outer upper lateral support members recited by independent claim 30. Dependent claims 46-48 include recitations further defining the lateral support means recited by independent claim 30. Dependent claims 49-53 include recitations adding an auxiliary support means to the support arrangement of independent claim 30.

Accordingly, dependent claims 31-53 do not recite features that are mutually exclusive. This is because, the claimed support member may simultaneously embody all of the features recited by claims 30-53, without requiring the exclusion of certain recited features. Indeed, the Restriction points to no features of claims 30-53 which would necessarily require the exclusion of other features of claims 30-53. Instead species A-G, as characterized in the Restriction, simply refer to different features of the claimed support structure that may coexist in a particular embodiment.

As set forth above, however, a proper species restriction must establish that the claims recite mutually exclusive features. Because this burden has not be met, it is submitted that the species restriction is improper and should therefore be withdrawn.

In addition, independent claim 54, though of different scope than independent claim 30, recites substantially similar features as those recited by independent claim 30. Accordingly, the search and examination of claim 30 would overlap that of claim 54, and

no serious burden would be imposed by examining both inventions together. See  
MPEP § 803.

In view of the foregoing, it is requested that the restriction requirement be  
withdrawn. An Office Action on the merits with respect to each of pending claims 30-54  
is therefore earnestly solicited.

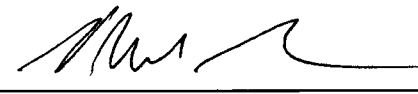
Please grant any extensions of time required to enter this response and charge  
any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: October 22, 2008

By: \_\_\_\_\_



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